



**MINUTES
CITY COUNCIL MEETING
May 2, 2023**

CALL TO ORDER

The meeting was called to order at 6:30 pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske; Fire Chief: Mike Heiland; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

The Long Lake Fire Department had held a very successful Pancake Breakfast which experienced record attendance.

Mayor Miner shared that he had attended Congressman Dean Phillips' Breakfast with the Mayors meeting earlier in the day.

Lastly, the Mayor reflected that it has been nice to see people outside enjoying the warmer seasonal weather.

APPROVE AGENDA

A motion was made by Joyce, seconded by Miner, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- A. Approve Minutes of April 18, 2023 City Council Work Session Meeting
- B. Approve Minutes of April 18, 2023 City Council Meeting
- C. Received Unofficial Draft Minutes of April 18, 2023 Economic Development Authority Meeting
- D. Approve Vendor Claims and Payroll

A motion was made by Dyvik, seconded by Miner, to approve the Consent Agenda, as presented. Ayes: all.

OPEN CORRESPONDENCE

Bryan Miller, 295 Lakeview Avenue – Mr. Miller thanked Mayor Miner and the Council for being level-headed during a tumultuous year for the City. He observed that the Council has had careful deliberations on all the topics related to the Long Lake Fire Department and noted that he felt that they were also doing so with complete transparency, assuring that the residents can be educated on what is going on. He also expressed his appreciation to City staff for their hard work.

Marty Schneider, 1176 W Wayzata Boulevard – Mr. Schneider was appearing on behalf of the Chamber of Commerce to share that they have a tentative date of July 22, 2023 for Buckhorn Day and noted that they have hired the Shockwaves Water Ski show that was here a few years ago to perform. They have also discussed fireworks and having a few bands playing. The Chamber is also looking ahead to August 12, 2023 for the Corn Days Parade. The Chamber has discussed an interest in bringing back the 'Open to Business' initiative through Hennepin County that had been available in Long Lake during 2016 and 2017.

Todd Newcomer, 1070 Old Long Lake Road – Mr. Newcomer introduced himself as a retired firefighter/paramedic from the west coast. He shared a story from his previous experience; stated that there is a current dilemma with the Fire Department; discussed the current number of Fire Departments and guidance related to combining departments and resources; and reflected that all sides need to get together and do the best thing for the entire community. He asked that there be mediation with a neutral party of some kind.

Dave Pierson, Orono – Mr. Pearson noted that he has lived in Orono for 17 years. Prior to that, he had lived in Long Lake for nine years and had served on the Long Lake City Council at the time the contract was written for fire services. He observed that he has always looked at Orono and Long Lake as a community even though they were two separate cities. The Long Lake Fire Department has been in existence for 100 years and he had not heard one complaint about the services provided. He agreed that the sides need to get together in order to solve this problem. He reviewed comments that he had shared at an Orono public meeting regarding the need for Orono to hold a public Town Hall type meeting similar to what Long Lake had done, which they have refused to do thus far. He expressed frustration with how Orono has been handling this situation and noted that they have a fiduciary responsibility to the citizens that involves trust. He voiced support for the idea raised earlier about involving mediation because he did not think there was any reason that the two cities cannot get together financially and ethically.

Jim Elder, 195 S Brown Road, Orono – Mr. Elder indicated that he was a retired firefighter and reflected that the current battle has been going on for over three years, with Orono having made it clear that they would not be renewing the agreement. He noted that he wished Orono were more open and had held a public meeting about their position. He agreed with the comments shared by Mr. Miller about this Council and added that he agreed they have been transparent and shown good governance. Despite this though, there has been very little progress to date and he would have hoped that the gap would be closing between the two sides with substantive negotiations. He stated that in his opinion, the City's letter alleging certain breeches of contract did not move the ball an inch. He understood that the City is upset and is dealing with a somewhat difficult Mayor in Orono, but the Council also has the responsibility to try to close this gap and he did not think the threat of lawsuits would do that. He commented that he was present to speak and essentially scold the Council for choosing that action because he would like something more from them in order to close this gap.

Barbara Schmidt, 50 Landmark Drive, Orono – Ms. Schmidt expressed her appreciation to the Council and commented that Long Lake meetings are the only place where some individuals feel like they can get up and speak without being chastised. She reflected that there are so many angry people in the two communities, people are picking sides, and social unrest is continuing to mount. She reported that there are three active civil lawsuits and two active federal lawsuits against the City of Orono along with numerous criminal complaints made to the Hennepin County Sheriff and to the State Auditor regarding the Orono City officials and the City. For reference, she had checked surrounding cities to see if there was a similar situation regarding active civil lawsuits and found the following: Medina – 0, Wayzata – 1, Mound – 1, Minnetonka Beach – 0, and Long Lake – 0. She summarized that Orono has more pending lawsuits than any of the area sister cities combined, and emphasized that this needs to change. The litigation is taking time, and it is being driven by

spending that is out of control. She felt that Orono is employing an all or nothing approach that is not well received by the public. She indicated that there is nothing wrong with the fire services as they are and it is time for Orono to realize that the option of a partnership model that Long Lake had offered was the most appropriate fiscally for the taxpayers. She pointed out that there is no reason to spend millions of dollars on a new Fire Department that will not improve Orono's fire service, and noted that the prudent path forward that is supported by national data is for a joint fire district with an independent new fire board. She also added that she feels it is past time for the City of Orono to survey their citizens about what they want, and that Orono should be collaborative with the City of Long Lake instead of threatening the public safety needs of the community. She agreed that it was time to implement mediation and stated that she wanted the communities to be able to heal together. She shared ideas for various citizen committees that could be formed to work on these issues right now rather than waiting for the City of Orono to give them permission.

Jay Nygard, 1386 Rest Point Road, Orono – Mr. Nygard commented that he felt Long Lake and Orono are really just two sides of one big community. He expressed his frustration with what has occurred with regard to the fire services situation. He recalled that one of the earlier speakers had voiced the opinion that the City of Long Lake needed to find a better way and to keep working with Orono. He stated that he can tell them that there is no working with Orono because when their minds are made up, they will do what they are going to do. Mr. Nygard feels it is up to Long Lake to respond in a fashion that will force a hand or move forward somehow, because otherwise there will be no movement. He added that this is what he sees the Long Lake Council doing and noted that there was one thing that has not been talked about very much that he would like people to consider. He mentioned that he has referred to Long Lake and Orono as 'brothers', but tonight he wanted to pretend that they are actually married. He asked what happens when a married couple wants to divorce and they have children. He explained that the children are the ones who end up suffering and observed that while Orono is pushing for a divorce, he sees the Fire Department and their families as the ones who are suffering. He stressed that the situation is not fair to the firefighters and he feels the Orono City Council needs to consider the people who are suffering because of their choices.

Janey Delaney, 1315 Woodhill Avenue, Orono – Ms. Delaney reflected that she is physically in the middle of this almost every day because she runs the donation garden located behind Station 1. She commented that what is so disappointing about the Orono/Long Lake situation is that there are volunteers at the garden from both cities which means it is a community effort. She noted that Orono just does not seem to see the community aspect which she found to be disturbing, at best. She mentioned that she wanted to introduce herself because the Long Lake Public Works Department has been very good to them and encouraged the Council and residents to stop by the garden.

Marty Schneider, 1176 W Wayzata Boulevard – Mr. Schneider asked for a moment to speak again wearing his 'other' hat outside of the Chamber of Commerce. He indicated that he has great respect for Mr. Elder, but would like to offer a counterpoint to his statement. Mr. Schneider shared that he had been following the matter for a long time and wanted to applaud the City Council and not scold them because he feels, knowing all the history, that factually, members of the Fire Advisory Board and negotiating team have spent countless hours reaching out to their counterparts at Orono and have made every effort to not take the step of having to procure appropriate legal representation. He noted that this measure, to him, was not threatening but was taking the appropriate steps. He voiced his appreciation to the Council for their efforts. He also noted that he had met Fire Chief Heiland last week and firmly believes that his hiring was another positive step taken by the Council in order to move forward and focus on what is important right now for the community. He encouraged people to spend some time understanding the hours of effort that the Council has put in and efforts to try to reach out to Orono.

BUSINESS ITEMS

Receive and Accept the 2022 Audited Financial Report

Tyler See, Audit Manager with Abdo, reviewed the 2022 Financial Report and noted that they had issued an unmodified opinion, which is a clean audit. He reported that they also found no instances of non-compliance. He mentioned that there are findings related to internal controls related to preparation of financial statements and limited segregation of duties. He explained that these findings mean that Abdo is engaged to prepare the audit, but is also engaged to draft financial statements, which is technically an internal control issue. The internal controls findings are common and standard for a City of Long Lake's size. See reviewed the overall Financial Report; the General Fund balance along with revenues and expenditures; Capital Project Funds; the City's Enterprise Funds; and reviewed key performance indicators including comparisons to cities in a similar size class.

Council member Dyvik commented that he understood the City needs to do something about sewer utility rates supporting the Sewer Fund because it is operating underfunded. He pointed out that the Water Fund appears to be flush with cash currently and questioned whether it was possible to move funds between Enterprise Funds.

Mr. See confirmed that it was a possibility.

Council member Dyvik indicated that his thought was that if they could correct the problem by moving some money around, Council and staff could then focus on creating a sustainable rate in order to ensure the problem does not continue.

City Administrator Weske cautioned that there was a current surplus solely because of an influx of WAC fees due to development projects and noted that would not happen next year. The Water Fund will be cash negative at the end of 2023 and the rates aren't currently sustaining themselves.

Council member Dyvik affirmed that the City will have to revisit the water and sewer rates.

Weske added that he still believes the City needs to move to a monthly billing cycle rather than quarterly.

Mr. See answered additional Council questions regarding details of the audit report.

A motion was made by Dyvik, seconded by Miner, to receive and accept the Management Letter and 2022 Financial Report as presented. Ayes: all.

Discuss/Consider Potential Fire Department Equipment Purchase(s) and Provide Direction to Staff

Fire Chief Heiland gave an overview of the Fire Department's requests for the purchase of a new Command vehicle; returning the Ford Explorer to Orono; and obtaining permission to sell Rescue 12.

Deputy Chief Gonsior assisted with presenting the details related to each request. He recalled that the City of Orono had voted at their last meeting not to allow the LLFD to utilize the other Tahoe that was purchased for a Command vehicle; therefore, the Department would like to purchase a new Tahoe for use by the Long Lake Fire Department's full-time Chief. He shared plans and design information, answered questions regarding the proposed new Tahoe, and reviewed the request to sell Rescue 12.

Council member Dyvik questioned whether Orono may want to buy the City out for the Rescue 12 vehicle and what the contract requires the City to do for this kind of decision.

Weske replied that the contract does not mention any process of selling equipment other than at the end of the contract.

Council member Feldmann stressed the importance of following whatever process may be included in the contract.

Deputy Chief Gonsior responded to Council questions regarding vehicle needs, usage, and value.

Mayor Miner reviewed past discussions and actions related to vehicles and agreements. He clarified that at last week's Orono City Council meeting, they voted against allowing the Long Lake Fire Department to arrange for one of Orono's vehicles to be used by the Department as had been originally offered.

A motion was made by Kvale, seconded by Dyvik, to approve the purchase of a 2023 Chevy Tahoe, based on the quote shared with the Council at their May 2, 2023 meeting. Ayes: all.

Council member Joyce sought confirmation that the funding would come out of Long Lake's budget and not the partnership CIP.

The Council gave direction for staff to determine the fair market value of the Rescue 12 vehicle, offer it to Orono for purchase based on the contract percentage rates, and to move it to auction if they are not interested. They commented briefly on the recent actions by the Orono City Council related to the Command vehicle, and were supportive of taking care of any repair issues with the current Command 1 promptly in order to make it reliable.

Council member Dyvik stated that he would like to see Command 1 be operational and reliable as soon as possible because then they can just return the Explorer back to Orono without having to spend additional time working on a short-term loan agreement.

Updates and Discussion Regarding Fire Department Matters

Mayor Miner reported that a week ago today, the City had an attorney that they hired above and beyond the services of the City Attorney send a letter to the City of Orono regarding breaches of the contract for fire services that has been in place since 2002. Members of the community had approached the Council following the November open house and inquired about the contract violations that they saw were occurring. He explained that this was why the City had hired an outside law firm to review the information, and based on the legal advice they received, had decided to send the letter. He reflected that doing so was agreed upon by Council after quite a bit of discussion and debate. What changed his mind about sending this letter was the action that the City of Orono took in February regarding the Long Lake Fire Relief Association and comments that were made during their Council meeting about transitioning firefighters from the Long Lake Fire Department to the Orono Fire Department in 2024, though the contract goes through the end of 2025. The City of Long Lake is a believer in the contract that their predecessors signed 20-some years ago and are still just trying to follow the contract terms. Comments were made earlier during the current Council meeting about this action being a bad move, but in his opinion, he feels the City was given no choice but to take this action by sending the letter as good stewards of the contract. The City is just trying to maintain the provision of safe and good quality fire services to the communities that are served by the Long Lake Fire Department. He assured residents attending the meeting that the Council did not take the issue of choosing to send this letter to the City of Orono lightly.

Council member Joyce commented that she appreciated the public comments that were made earlier in the meeting, but notice of the breach of contract was given to ensure public safety. If the

City's firefighters leave, the City will have a problem. Orono, Medina, Minnetonka Beach, and Long Lake are under the fire services contract for almost three more years, which is a commitment she takes very seriously. She feels it is the City's obligation to uphold the contract and provide public safety to all of those communities. She agreed that the Council had undertaken a lot of deliberation before deciding to send the letter but believed that ultimately, the Council continues to maintain the communities and their safety at the forefront of their thought process.

Council member Dyvik added that he had also been hesitant to send the letter initially because he and Mayor Miner had been serving on the negotiating team with members of the Orono City Council. They had met almost weekly the previous summer and were working towards almost a Joint Powers Agreement or a district that would operate under an independent fire board. He thought they were making good progress on that effort, however, that was cut off in September. That led to the buyout offer submitted by Orono, and subsequently, Long Lake held the Open House meeting where the information and status of the situation was shared with residents. Long Lake had provided a response to Orono in early January, and since that time he had been trying to get back together with the negotiators from Orono to discuss the City's response, as well as some of the proposals put together by some firefighters. Despite asking them multiple times to meet, their response has always been 'no'. In light of their lack of desire to continue negotiations, he became in favor of the letter that was sent, and of also taking care of the current needs of the firefighters because that is what is most important. He added that he remains open to continuing to have conversations with Orono and likes to think that they may come back and talk about a solution that will work, but reiterated that in the meantime, he had supported sending the notice of breach letter to show the City's position on some of the actions that Orono has been taking.

Council member Feldmann reflected that he thinks it is important for people to know how much effort Mayor Miner and Council member Dyvik have put into negotiations and explained that despite having put in countless hours, it has not been very fruitful. As individuals had spoken of earlier in the meeting, this is a community and the cities need to think about this together. He also was previously hesitant to take the action of sending the letter; but at the end of the day, when the City continues to put in the effort and it is not reciprocated, in addition to breaches of the contract, they need to let the opposing party know.

Council member Kvale had supported sending the letter because it placed Orono on notice and let them know that their activities outlined in the letter were interfering with the Long Lake Fire Department's obligation to provide services under the contract, and if those activities continue, it could undermine their ability to fulfill the contract and interfere with public safety.

Council member Feldmann observed that the biggest thing is public safety, and he emphasized that this is not a game. He continues to hope that Orono chooses to come alongside the City in having these conversations.

Council member Kvale agreed with one of the earlier commentators that mentioned multiple fire departments are so close and could do better to share resources. She believes a solution where they can combine to share resources would be the best solution for the community as a whole.

Mayor Miner clarified that the City was not at this time filing any lawsuit, but the letter was intended to serve as notice as a sort of 'cease and desist' type letter for them to stop violating the contract terms.

A member from the audience asked if they could offer a few comments.

Mayor Miner invited the audience member to share a few comments from the podium.

Kim Carswell, 261 Signet Place, Orono – Ms. Carswell voiced that she thinks that the citizen sentiment that the Long Lake Council had been listening to tonight is not being recognized by the Orono City Council. She stated that as residents have tried to engage with them, they are simply ignored or dismissed, and many feel that the Orono Mayor exhibits a lot of characteristics associated with bullying. Many of the citizens believe that the Orono Council does not really understand what they would have to do to build a new department, but as citizens, they have been unable to influence the way their Council is managing this situation. She added that as a municipality, Long Lake has a different type of leverage and she asked that they continue to challenge the Orono City Council in a very careful, tactical, and strategic way, knowing who they are dealing with in order to confront the bullying tactics that are being used by the Mayor of Orono. She thanked the Council for giving her an opportunity to speak outside of the open correspondence segment of the meeting.

Mayor Miner shared that during the Work Session, the Council had discussed the possibility of holding a follow up public open house for the City because a lot has changed since the last one was held in November 2022. They have not settled on an exact date as of yet, but are considering the week of May 15 or May 22, 2023.

Council member Dyvik added that he believes holding another public meeting is a good idea because he would agree that a lot has happened since the previous open house. He would like to have the opportunity to bring the residents up to speed on what has been happening, and to offer another Q&A session with the public.

City Clerk Moeller indicated that she would check on possible dates and venues to hold the public meeting and shared her concern with trying to schedule it for the earlier week because of the work involved in putting together and publicizing this type of event.

Council member Joyce stated that having heard some of the public comment tonight, she would be interested to know if there are resident opinions on how it would be best to get the open house event information out to the public. She would like to make sure that Long Lake residents, Orono residents, Medina residents, and Minnetonka Beach residents also know about the meeting because the Long Lake Fire Department serves all of those communities and they would all be welcome at the meeting.

Moeller noted that the challenge is whether contacts at the neighboring communities would be willing to spread the message or not; however, the City's ListServ notifications hit a lot of residents outside of Long Lake as well.

Mayor Miner reported that the Future Fire Services planning meeting will be held on May 3, 2023. Council member Dyvik shared that he had invited the Mayor of Mound and one of their Council members to attend the meeting. Council member Kvale suggested that those meetings be noticed in the future to allow a quorum of Council to attend.

Council member Feldmann suggested that someone offer an explanation of what the Future Fire Services meetings were.

Council member Dyvik explained that the Future Fire Services group involves representatives of about 11 fire departments and cities in the area that have met quarterly for the last few years. The group discusses the future of what fire protection will look like in the area and how they can all work together to help shape that.

Mayor Miner shared that the guest speaker at the upcoming meeting is the new Fire Chief of the recently combined Hamel-Loretto Fire Department who will be talking about how those two departments were brought together to form their new district.

Council member Joyce asked if there was a formal agenda and minutes for those meetings.

Mayor Miner replied that he was not sure if there was an audio recording, but there are minutes and those can be shared with the full Council.

OTHER BUSINESS

Grant for Street Sweeper Purchase – Council member Dyvik recalled that he had brought up the possibility of acquiring some post-purchase grant assistance for the street sweeper from the Minnehaha Creek Watershed District, but apparently they do not offer that. Moeller added that there was language in the response email she'd received from their office that related to partnering with project related items such as work in Holbrook Park, but they do not offer grant funds for equipment purchases at this time. Council member Dyvik mentioned that the Purgatory Creek Watershed District has this type of grant funding available for their member cities.

Matters for Park Board - Council member Joyce suggested that the Park Board hold a meeting soon and stated that she had been contacted by the CEO of a company called Smarty Symbols who has a mission of breaking down communication barriers for non-speaking children. Their company has been partnering with organizations and cities across the country to place signs on parks and playgrounds which offer those children a different way to communicate with other kids on the playground. She indicated that she thought it was something that the Park Board could discuss and bring a recommendation back to the Council.

Logo and Website Redesign Projects – Council member Joyce indicated that she and City Clerk Moeller had been tasked with working with a freelance creative designer to design a new Long Lake City logo. She stated that the designer they have been working with had initially presented 18 new options for the City to consider, and she and Moeller are very excited about some of the possibilities. She believes they will be presenting a few options to the Council at their first meeting in June. Moeller mentioned that she will be providing an update at the next meeting regarding a potential website redesign project.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:26 pm.

Respectfully submitted,

Scott Weske
City Administrator